

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.1568 of 2006

Between:

Manchi Nageswara Rao, S/o.Ramaiah

... Petitioner

AND

The District Collector and Election Authority,

Panchayat Raj, Guntur

And others

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.1568 of 2006

ORDER:

The petitioner is a resident and voter of Gamalapadu Gram Panchayat in Dachepalli Mandal of Guntur District. He is aggrieved by the election notification issued by the third respondent herein calling upon the voters to elect the sarpanch for a casual vacancy of the said village. It is the case of the petitioner that the area is a faction-ridden and naxalite-infested village. The former sarpanch Janaiah was assassinated by Jana Sakthi naxals. There is no proper law and order nor a congenial

atmosphere to conduct democratic elections peacefully. He also alleges that the Superintendent of Police, Guntur in a communication dated 23.1.2006 informed the District Collector, the first respondent herein, advising against holding election and the same view was communicated to the third respondent to postpone the election. In spite of the same, without considering the recommendation made by the District Collector, the election is being held by the respondents. Therefore, he seeks a writ of Mandamus declaring the action of the first respondent in issuing the election notification dated 19.1.2006 as illegal and arbitrary, and for a direction to stay the election.

Heard the learned Counsel for the petitioner and learned Standing Counsel for the State Election Commission. Under the A.P. Panchayat Raj Act, 1994 (the Act, for brevity), any casual vacancy has to be filled up within 120 days after the occurrence of such casual vacancy. Even according to the petitioner, Janaiah, the sarpanch, was killed resulting in the casual vacancy, and therefore, the action of the respondents in conducting the election in accordance with Sections 14(4) and (5) of the Act cannot be interfered with. Secondly, the learned Standing Counsel has placed before this Court a communication being letter No.61/SEC.B2/2006 dated 24.1.2006 whereby and whereunder the first respondent was informed that the reasons urged for postponement of the election are not sufficient enough to act upon and postpone the election. The respondents 1 and 4 were further requested to deploy additional forces, if necessary, in the village and see that the election is conducted peacefully. This matter was also notified to the learned Counsel for the petitioner, who strenuously contended that by reason of the threat of the Maoists in the area, only one nomination is received so far, on the last date of the nominations, and if the election is allowed to go on, the same would be untenable. Therefore, the matter was passed over for a while to enable the learned Standing Counsel to get instructions in the matter. After getting instructions, the learned Standing Counsel submits that by the closure of the time for filing nominations on 27.1.2006, two nominations were received. This would belie the contention of the learned Counsel for the petitioner.

The writ petition is, therefore, dismissed. No costs.

(V.V.S.RAO,J)

January 28, 2006.

YS